

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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TRANSCRIPT OF RECORD.

Court of Appeals, District of Columbia

OCTOBER TERM, 1908.

No. 1932.

577

No. 12, SPECIAL CALENDAR.

JAMES RUDOLPH GARFIELD, SECRETARY OF THE
INTERIOR, APPELLANT,

vs.

UNITED STATES *EX RELATIONE* EDWIN W. SPALDING.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

FILED AUGUST 3, 1908.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

OCTOBER TERM, 1908.

No. 1932.

No. 12, SPECIAL CALENDAR.

JAMES RUDOLPH GARFIELD, SECRETARY OF THE
INTERIOR, APPELLANT,

vs.

UNITED STATES *EX RELATIONE* EDWIN W. SPALDING.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

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In the Court of Appeals of the District of Columbia

No. 1932.

JAMES R. GARFIELD, Sec'y, &c., Appellant,

vs.

U. S. *ex Rel.* EDWIN W. SPALDING.

a Supreme Court of the District of Columbia.

At Law. No. 50616.

UNITED STATES *ex Relatione* EDWIN W. SPALDING, Petitioner,

vs.

JAMES RUDOLPH GARFIELD, Secretary of the Interior, Respondent.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

1 Supreme Court of the District of Columbia.

WEDNESDAY, *July* 8, 1908.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * *

At Law. No. 50616.

UNITED STATES *ex Relatione* EDWIN W. SPALDING, Petitioner,

vs.

JAMES RUDOLPH GARFIELD, Secretary of the Interior, Respondent.

Upon motion of the petitioner in open Court, it is ordered that the penalty of the bond on appeal noted herein to the Court of Appeals of the District of Columbia, to act as a Supersedeas, be, and hereby is fixed in the sum of Fifteen thousand dollars (\$15,000.)

To the foregoing the Respondent notes an exception.

Order Allowing Special Appeal.

Filed July 13, 1908.

Court of Appeals of the District of Columbia, April Term, 1908.

No. 304, Original Docket.

JAMES RUDOLPH GARFIELD, Secretary of the Interior, Petitioner,
*vs.*THE UNITED STATES *ex Relatione* EDWIN W. SPALDING.

JULY 10, 1908.

2 It is ordered that the special appeal prayed for from the order of the Court requiring a bond to be given by the appellant, James Rudolph Garfield, Secretary of the Interior, to perfect his said appeal and supersede the execution of the judgment appealed from, be and the same is hereby, granted and allowed.

SETH SHEPARD,

Chief Justice.

CHAS. H. ROBB,

Associate Justice.

A true copy.

Test:

HENRY W. HODGES,

[SEAL.] *Clerk of the Court of Appeals of the
District of Columbia.**Designation of Record on First Special Appeal.*

Filed July 30, 1908.

In the Supreme Court of the District of Columbia.

At Law. No. 50616.

UNITED STATES OF AMERICA *ex Rel.* EDWIN W. SPALDING, Pe-
titioner,*vs.*

JAMES RUDOLPH GARFIELD, Secretary.

The following pleadings, papers and memoranda are hereby designated by counsel for respondent as the record to be used in the Court of Appeals on the special appeal allowed by said Court of Appeals from the order of the Supreme Court of the District of Columbia requiring a supersedeas bond to be given by respondent in order to perfect his appeal:

3

1. The order of the Supreme Court of the District of Columbia requiring respondent, Garfield, Secretary of the In-

terior, to furnish a supersedeas bond in the sum of Fifteen Thousand Dollars (\$15,000) in order to stay the judgment appealed from and supersede the execution of the writ of mandamus.

2. The exception of respondent to the said order.

3. The order of the Court of Appeals of the District of Columbia dated July 10, 1908, allowing a special appeal from the said order of the Supreme Court of the District of Columbia.

4. This order.

DANIEL W. BAKER,
U. S. Att'y.

GEORGE W. WOODRUFF,
Ass't Att'y Gen.

Service of copy admitted this 28th day of July, 1908.

TUCKER & KENYON &
E. S. BAILEY.

4 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 3, both inclusive, to be a true and correct transcript of the record according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 50616 At Law, wherein the United States, *ex relatione* Edwin W. Spalding, is petitioner, and James Rudolph Garfield, Secretary of the Interior, is Respondent, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 1st day of August, A. D. 1908.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clerk,*
By ALF G. BUHRMAN,
Assistant Clerk.

Endorsed on cover: District of Columbia supreme court. No. 1932. James R. Garfield, Sec'y, &c., appellant, *vs.* U. S. *ex rel.* Edwin W. Spalding. Court of Appeals, District of Columbia. Filed Aug. 3, 1908. Henry W. Hodges, clerk.

TRANSCRIPT OF RECORD.

Court of Appeals, District of Columbia

OCTOBER TERM, 1908.

No. 1936.

No. 16, SPECIAL CALENDAR.

JAMES RUDOLPH GARFIELD, SECRETARY OF THE
INTERIOR, APPELLANT,

vs.

UNITED STATES *EX RELATIONE* EDWIN W. SPALDING

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

FILED AUGUST 5, 1908.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA
OCTOBER TERM, 1908.

No. 1936.

No. 16, SPECIAL CALENDAR.

JAMES RUDOLPH GARFIELD, SECRETARY OF THE
INTERIOR, APPELLANT,

vs.

UNITED STATES *EX RELATIONE* EDWIN W. SPALDING

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

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In the Court of Appeals of the District of Columbia.

No. 1936.

J. R. GARFIELD, Sec'y, &c., Appellant,
vs.

U. S. *ex Rel.* EDWIN W. SPALDING.

a Supreme Court of the District of Columbia.

At Law. No. 50616.

UNITED STATES *ex Relatione* EDWIN W. SPALDING, Petitioner,
vs.
JAMES RUDOLPH GARFIELD, Secretary of the Interior, Respondent.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

1 Supreme Court of the District of Columbia.

WEDNESDAY, *July 8*, 1908.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * *

At Law. No. 50616.

UNITED STATES *ex Relatione* EDWIN W. SPALDING, Petitioner,
vs.
JAMES RUDOLPH GARFIELD, Secretary of the Interior, Respondent.

Upon motion of the petitioner in open Court, it is ordered that the penalty of the bond on appeal noted herein to the Court of Appeals of the District of Columbia, to act as a Supersedeas be, and hereby is fixed in the sum of Fifteen thousand dollars (\$15,000.)

To the foregoing the Respondent notes an exception.

Order Allowing Special Appeal.

Filed July 13, 1908.

Court of Appeals of the District of Columbia, April Term, 1908.

No. 304, Original Docket.

JAMES RUDOLPH GARFIELD, Secretary of the Interior, Petitioner,
*vs.*THE UNITED STATES *ex Relatione* EDWIN W. SPALDING.

JULY 10, 1908.

It is ordered that the special appeal prayed for from the order of the Court requiring a bond to be given by the appellant, James Rudolph Garfield, Secretary of the Interior, to perfect his said appeal and supersede the execution of the judgment appealed from, be and the same is hereby granted and allowed.

SETH SHEPARD,
Chief Justice.
CHAS. H. ROBB,
Associate Justice.

A true copy.

Test:

HENRY W. HODGES,
[SEAL.] *Clerk of the Court of Appeals of the
District of Columbia.*

Supreme Court of the District of Columbia.

TUESDAY, July 14, 1908.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * *

At Law. No. 50616.

UNITED STATES *ex Relatione* EDWIN W. SPALDING, Petitioner,
vs.

JAMES R. GARFIELD, Secretary of the Interior, Respondent.

Upon consideration of the order of the Court of Appeals granting a special appeal from the order of this Court of the 8th day of July 1908, requiring a bond to be given by the Respondent in order to perfect his appeal and supersede the execution of the judgment appealed from, it is by the Court in accordance with the requirement

3 of Rule 10 Section 4 of the Court of Appeals, ordered that the respondent in order that said special appeal may operate as a supersedeas or stay of execution of the order of said 8th day of July 1908, so appealed from, give a bond in the penal sum of Fifteen thousand dollars (\$15,000.) within ten (10) days from the date of said order of July 8, 1908, to which action of the Court, the respondent in open Court notes an exception.

Order Allowing Special Appeal.

Filed July 20, 1908.

In the Court of Appeals of the District of Columbia.

No. 308, Original Docket.

JAMES RUDOLPH GARFIELD, Secretary of the Interior, Appellant,
vs.
THE UNITED STATES *ex Relatione* EDWIN W. SPALDING, Appellee.

On consideration of the petition filed herein it is this 17th day of July, A. D. 1908, ordered that the special appeal prayed for in the petition filed herein from the orders of the Supreme Court of the District of Columbia requiring supersedeas bonds to be given by the appellant, James Rudolph Garfield, Secretary of the Interior, in order to perfect his said appeals and supersede the execution of the judgment appealed from be, and it hereby is, allowed and granted.

4 And it is further ordered that the said judgment directing the writ of mandamus to issue appealed from be stayed and that the execution of the writ of mandamus and all proceedings in said cause be, and the same hereby are, superseded without bond.

SETH SHEPARD,
Chief Justice.
CHAS. H. ROBB,
Associate Justice.

A true copy.

Test:

HENRY W. HODGES,
[SEAL.] Clerk of the Court of Appeals of the
District of Columbia.

Designation of Record on Second Special Appeal.

Filed July 30, 1908.

In the Supreme Court of the District of Columbia.

At Law. No. 50616.

UNITED STATES OF AMERICA *ex Rel.* EDWIN W. SPALDING,
Petitioner,*vs.*

JAMES RUDOLPH GARFIELD, Secretary.

The following pleadings, papers and memoranda are hereby designated by counsel for respondent as the record to be used in the Court of Appeals on the special appeal allowed by said Court of Appeals from the order of the Supreme Court of the District of Columbia requiring a supersedeas bond to be given by respondent in order to perfect his appeal:

5 1. The order of the Supreme Court of the District of Columbia requiring respondent Garfield, Secretary of the Interior, to furnish a supersedeas bond in the sum of Fifteen Thousand Dollars (\$15,000) in order to stay the judgment appealed from and supersede the execution of the writ of mandamus.

2. The exception of respondent to the said order.

3. The order of the Court of Appeals of the District of Columbia dated July 10, 1908, allowing a special appeal from the said order of the Supreme Court of the District of Columbia.

4. The order of the Supreme Court of the District of Columbia requiring the respondent, Garfield, Secretary of the Interior, to furnish a supersedeas bond in the sum of Fifteen Thousand Dollars (\$15,000) to stay the order appealed from and supersede the execution of the writ in taking the special appeal allowed by the Court of Appeals for the aforesaid order.

5. The exception of respondent to said order.

6. The order of the Court of Appeals of the District of Columbia dated July 17, 1908, allowing a special appeal from the last-mentioned order of the Supreme Court of the District of Columbia.

7. This order.

DANIEL W. BAKER,
U. S. Att'y.
GEORGE W. WOODRUFF,
Ass't Att'y Gen.

Service of copy admitted this 28th day of July 1908.

TUCKER & KENYON &
E. S. BAILEY.

6 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 5, both inclusive, to be a true and correct transcript of the record according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 50616 at Law, wherein United States, *ex relatione* Edwin W. Spalding is Petitioner and James Rudolph Garfield, Secretary of the Interior, is Respondent, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 3rd day of August, A. D. 1908.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clerk*,
By ALF G. BUHRMAN,
Ass't Clerk.

Endorsed on cover: District of Columbia supreme court. No. 1936. J. R. Garfield, Sec'y, &c., appellant, *vs.* U. S. *ex rel.* Edwin W. Spalding. Court of Appeals, District of Columbia. Filed Aug. 5, 1908. Henry W. Hodges, clerk.